

March 25, 2013

Arizona House of Representatives  
Speaker of the House Andy Tobin  
Capital Complex  
1700 W. Washington  
Phoenix, AZ 85007-2890

RE: Gila County Deferred Prosecution

Honorable Speaker of the House Andy Biggs:

Pursuant to Statute A.R.S. §11-362 I am sending this report in regards to the Gila County Attorney's Office Deferred Prosecution Program. (See attached statute.)

**Deferred Prosecution**

The Gila County Attorney's Office Deferred Prosecution program allows low risk defendants who have been charged with crimes to enter into deferred prosecution agreements whereby they admit their guilt and agree to make amends for their crimes in exchange for having their criminal charges deferred for up to two years. If they are able to successfully comply with the terms of their agreement, their criminal charges are dismissed and they avoid having to go through life having a felony conviction. If they are unable to show that they deserve this second chance and fail to comply with the terms of their agreements or if they commit new crimes, their deferred prosecutions are reinstated and they must answer to their original criminal charges in court.

During the time period of January 2012 through December 2012, the Gila County Deferred Prosecution Program had approximately twenty one (21) individuals on the Deferred Prosecution Program--eleven (11) at the Payson Office in the northern part of the County and ten (10) in Globe, the southern half of the County. Three (3) individuals successfully completed the program during 2012 and thereby never became an expense to the Gila County probation department. Additionally, the Gila County Attorney's Office Deferred Prosecution Program collected and distributed to victims \$36,020.00 in restitution in 2012.

Out of the twenty one (21) individuals in the Deferred Program in 2012 ten (10), were new enrollees during the calendar year of 2012. Five (5) individuals entered the Program in Payson and five (5) entered the Program in the Globe area. A breakdown of the crimes involved is as follows:

<u><b>Payson</b></u>		<u><b>Globe</b></u>	
Theft of means/Trans	1	Child Abuse	1
Luring Minor/exploitation	1	False Swer/Tampering	1
Agg. Assault	2	Agg/Assalt/Shoplift	1
Criminal Damage	1	Drugs	1
		Theft/Mean/Trans	1

Out of the ten (10) defendants that entered the Program in the year 2012; nine (9) remain on the Program.

The Deferred Prosecution Program continues in Gila County to meet its primary objective of ensuring the accused remain accountable for their actions while allowing those with no criminal history, and thus a low probability of recidivism, to find the correct law-abiding path. Additionally, in all victim related offenses victims are ensured restitution and these offenders pose no additional expense to the overtaxed probation system.

If you have any question or concerns, please do not hesitate to contact me.

Sincerely,

Bradley D. Beauchamp  
Gila County Attorney